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Washington, D.C. 20231

| APPLICATION NO.   | FILING DATE                | FIRST NAMED INVENTOR |   |                     | ATTORNEY DOCKET NO. |
|---|----------------------------|----------------------|---|---------------------|---------------------|
| 09/431,076  | 11/01/99                   | FUJIWARA             |   | I                   | SON-1690            |
| Γ   |                            | MM91/0522            | 一 | VU, H               | EXAMINER            |
| RONALD P K  | ANANEN ESQ<br>MAN & GRAUER |                      |   | ART UNIT            | PAPER NUMBER        |
| 1233 20TH STREET NW<br>SUITE 501<br>WASHINGTON DC 20036 |                            |                      |   | 2811<br>DATE MAILED | :<br>05/22/01       |

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

|   |  | Application No.  | Applicant(s)  |  |  |  |
|---|--|--|---|--|--|--|
| Öffice Action Summary                           |  | 09/431,076   | FUJIWARA, ICHIRO  |  |  |  |
|   |  | Examiner   | Art Unit  |  |  |  |
|   |  | Hung K. Vu   | 2811  |  |  |  |
|   | The MAILING DATE of this communication appe  | ears on the cover sheet with the co  | orrespondence address   |  |  |  |
| eriod fo  | r Reply  | V IS SET TO EXPIRE 1 MONTH   | (S) FROM  |  |  |  |
| THE N - Exten after S - If the - If NO - Failur | ORTENED STATUTORY PERIOD FOR REPL' MAILING DATE OF THIS COMMUNICATION. Isions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. Period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period of the toreply within the set or extended period for reply will, by statute eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b). | 36 (a). In no event, however, may a reply be ti<br>y within the statutory minimum of thirty (30) day<br>will apply and will expire SIX (6) MONTHS from | mely filed  s will be considered timely. the mailing date of this communication. (D) (35 U.S.C. § 133). |  |  |  |
| 1)⊠   | Responsive to communication(s) filed on 01   |  |   |  |  |  |
| 2a)   |  | nis action is non-final.   |   |  |  |  |
| 3)□   | and the second state of the second second for formal matters, prosecution as to the ments is   |  |   |  |  |  |
| •   | ion of Claims  |  |   |  |  |  |
| 4) 🖾  | Claim(s) 1-51 is/are pending in the applicatio   | <b>n.</b>  |   |  |  |  |
|   | 4a) Of the above claim(s) 23-51 is/are withdra   | wn from consideration.   |   |  |  |  |
| 5)  | Claim(s) is/are allowed.   |  |   |  |  |  |
| 6)  | Claim(s) is/are rejected.  |  |   |  |  |  |
| 7)  | Claim(s) is/are objected to.   |  |   |  |  |  |
| 8)🛛   | Claims 1-22 are subject to restriction and/or  | election requirement.  |   |  |  |  |
| Applicat  | tion Papers  |  |   |  |  |  |
| 9)  | The specification is objected to by the Examin   |  |   |  |  |  |
| 10)   | The drawing(s) filed on is/are objected  | to by the Examiner.  | d   |  |  |  |
| 11)   | The proposed drawing correction filed on   |  | pprovea.  |  |  |  |
| 12)   | The oath or declaration is objected to by the  | Examiner.  |   |  |  |  |
| Priority  | under 35 U.S.C. § 119  |  |   |  |  |  |
| 13)   | Acknowledgment is made of a claim for foreign  | gn priority under 35 U.S.C. § 119  | (a)-(d) or (f).   |  |  |  |
|   | )  All b) Some * c) None of:   |  |   |  |  |  |
| <b>.</b>  | 1. Certified copies of the priority document   | nts have been received.  |   |  |  |  |
|   | 2 Certified copies of the priority docume  | nts have been received in Applica  | ation No  |  |  |  |
| *   | 3. Copies of the certified copies of the pri<br>application from the International E<br>See the attached detailed Office action for a list   | iority documents have been rece<br>Bureau (PCT Rule 17.2(a)).  | ived in this National Stage   |  |  |  |
| 14)   | and the second of a plain for dor  | mestic priority under 35 U.S.C. §  | 119(e).   |  |  |  |
| Attachme  |  | 18) 🗍 Interview Sum  | mary (PTO-413) Paper No(s)  |  |  |  |
| 16) 🗆 N   | otice of References Cited (PTO-892)<br>lotice of Draftsperson's Patent Drawing Review (PTO-948)<br>nformation Disclosure Statement(s) (PTO-1449) Paper No(   | 19) Notice of Infor  | mal Patent Application (PTO-152)  |  |  |  |

Application/Control Number: 09/431,076

Art Unit: 2811

## Election/Restriction

- 1. Applicant's election of Invention of Group II, Claims 1-22, in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
- 2. Applicant's election without traverse of Invention of Group II, Claims 1-22, in Paper No. 7 is acknowledged. However, Claims 1-22 are containing claims directed to the following patentably distinct species of the claimed invention:

Embodiment 1 of Figures 3, 9, and 13.

Embodiment 2 of Figures 4 and 15.

Embodiment 3 of Figure 14.

Embodiment 4 of Figure 16.

Embodiment 5 of Figures 17 and 18.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Application/Control Number: 09/431,076

Art Unit: 2811

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

## Conclusion

3. Papers related to this application may be submitted to Technology center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the TC 2800 Fax center located in Crystal Plaza 4, room 4-C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 2811 Fax Center number is (703) 308-7722 and 308-7724. The Group 2811 Fax Center is to be used only for papers related to Group 2811 applications.

Any inquiry concerning this communication or any earlier communication from the Examiner should be directed to *Hung Vu* whose telephone number is (703) 308-4079. The

Application/Control Number: 09/431,076

Art Unit: 2811

Examiner is in the Office generally between the hours of 7:30 AM to 4:00 PM (Eastern Standard Time) Monday through Friday.

Any inquiry of a general nature or relating to the status of this application should be directed to the **Technology Center Receptionists** whose telephone number is (703) 308-0956.

Vu

May 15, 2001

Steven Loke Primary Examiner